

DECISION



118368 21809
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-207322

DATE: May 11, 1982

MATTER OF: Express Marketing International
Oil Corporation

DIGEST:

Whether offeror is regular dealer or manufacturer under Walsh-Healey Act is for determination by contracting agency subject to final review by Small Business Administration, where offeror is small business, and Department of Labor and, thus, will not be considered by GAO.

Express Marketing International Oil Corporation (EMI) protests the Defense Logistics Agency (DLA) rejection of its offer under solicitation No. DLA600-82-B-0006 for petroleum products.

DLA determined that EMI is ineligible for award because EMI is neither a manufacturer nor regular dealer within the meaning of the Walsh-Healey Act, 41 U.S.C. § 35 (1976). EMI contends that it is a regular dealer of petroleum products and furnished documentation to support its claim.

Our Office does not consider issues as to whether an offeror is a regular dealer or manufacturer within the meaning of the Walsh-Healey Act, since such matters are by law for the contracting agency's determination, subject to final review by the Small Business Administration, where the offeror is a small business, and the Department of Labor. Aviation Enterprises Inc., B-205522, December 1, 1981, 81-2 CPD 439.

Therefore, we dismiss the protest.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel